



**RESPONSE UNDER 37 C.F.R. § 1.116  
EXPEDITED PROCEDURE  
EXAMINING GROUP 1634**

**RECEIVED**  
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**PATENT**

S/N 09/125,953

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	FODSTAD et al.	Examiner:	Sisson, B.
Serial No.:	09/125,953	Group Art Unit:	1634
Filed:	December 10, 1998	Docket No.:	7885.56USWO
Title:	IMMUNO-MAGNETIC CELL SEPARATION USED IN IDENTIFICATION OF GENES ASSOCIATED WITH SITE- PREFERENCED CANCER METASTASIS FORMATION		

CERTIFICATE UNDER 37 CFR 1.6: The undersigned hereby certifies that this correspondence is being transmitted via facsimile to: TC1600, Commissioner for Patents, Washington, D.C. 20231 on March 4, 2003.

By: *Victoria Hanson*

Name: Victoria Hanson

**RESPONSE UNDER 37 C.F.R. § 1.116**

Box AF  
Commissioner for Patents  
Washington, D.C. 20231

**VIA FACSIMILE**  
**TC1600**  
**703-872-9307**

Dear Sir:

**Remarks**

This is in response to the final Office Action mailed October 3, 2002.

**Finality of Office Action**

The examiner states that the amendment originally filed July 26, 2002 has been entered. However, it appears the examiner has not considered the claims as amended, and has not responded to Applicants' arguments. Additionally, the examiner has not reviewed the timely filed declaration, as discussed below. For these reasons, Applicants respectfully request the finality of this office action be withdrawn.

**Declaration**

The examiner acknowledges receipt of the signed declaration, but asserts it was not timely because it is not directed solely to new issues raised in the non-final office